

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GOVERNMENT EMPLOYEES INSURANCE CO.,
GEICO INDEMNITY CO., GEICO GENERAL
INSURANCE COMPANY and GEICO
CASUALTY CO.,

Docket No.:
15-cv-7236 (ERK)(RML)

Plaintiffs,

-against-

BRUCE JACOBSON, D.C., et al.,

Defendants.

-----X

JOINT PRE-TRIAL PROPOSAL

Plaintiffs Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company, and GEICO Casualty Company (collectively, “Plaintiffs” or “GEICO”) and Defendants Bruce Jacobson, D.C., BMJ Chiropractic, P.C., Jacobson Chiropractic, P.C., Dr. Bruce Jacobson DC, P.C., NJ Neuro & Pain, P.C., NJ Pain Treatment, P.C., Bruce Jacobson, D.C., Peter Albis, D.C. Diana Beynin, D.C., Jongdug Park, D.C. and Gerlando Zambuto, D.C. (collectively, the “Defendants” and with Plaintiffs, the “Parties”) respectfully submit the following pre-trial proposal pursuant to Magistrate Judge Peggy Kuo’s August 6, 2021 Scheduling Order.

I. List of Attorneys to be Seated at Counsel Table

A. Plaintiffs

1. Max Gershenoff
2. Steven Henesy
3. Sean Gorton

B. Defendants

1. Matthew Conroy

2. Gary Tsirelman
3. George Lewis

II. Anticipated Length of Trial

The parties expect the trial to last between five and seven days.

III. Number of Requested Jurors

A. Plaintiffs

Plaintiffs request that seven jurors be seated.

B. Defendants

Defendants request that six jurors be seated.

IV. Short Description of the Case

A. Plaintiffs

GEICO has brought this case against the Defendants alleging that they carried out a complex fraudulent scheme in which they billed GEICO and other automobile insurers millions of dollars for medically unnecessary, illusory, unlawful, and otherwise non-reimbursable services. GEICO contends that, as part of the fraudulent scheme, the Defendants subjected patients to a substantially identical, medically unnecessary course of “treatment” and “testing” that was provided pursuant to a pre-determined protocol designed to maximize the billing that they could submit to insurers, including GEICO, rather than to treat or otherwise benefit the GEICO-insured patients who were subjected to it. In addition, GEICO alleges that the Defendants violated various New York and New Jersey laws regulating the performance of and billing for healthcare services that made them ineligible to recover for the services they claimed to have provided. GEICO brings claims seeking to recover money damages in the form of insurance payments that the Defendants wrongfully obtained from GEICO, and GEICO also seeks a declaration that it is not obligated to pay the Defendants’ outstanding claims because of their fraudulent and unlawful activities.

B. Defendants

The Defendants contend that all medical services were provided under appropriate standards of care and in adherence with all applicable licensing laws of the States of New York and New Jersey.

V. **Names of all Persons, Entities, and Locations to be Mentioned During Trial**

List of names of all persons, entities, and locations to be mentioned during the trial is attached hereto as Appendix “A”.

VI. **Proposed Voir Dire Questions**

A. Plaintiffs

A list of Plaintiffs’ proposed voir-dire questions for prospective jurors is attached hereto as Appendix “B”.

B. Defendants

A list of Defendant’s proposed voir-dire questions for prospective jurors is attached hereto as Appendix “C”

Dated: Uniondale, New York
August 10, 2021

By: /s/ Steven T. Henesy
Steven T. Henesy, Esq.
Rivkin Radler, LLP
926 RXR Plaza
Uniondale, New York 11556
(516) 357-3000

*Counsel for Plaintiffs, Government
Employees Insurance Company, GEICO
Indemnity Company, GEICO General
Insurance Company and GEICO Casualty
Company*

By: /s/ Matthew J. Conroy
Matthew J. Conroy, Esq.
Schwartz, Conroy & Hack, PC
666 Old Country Road, Suite 900
Garden City, New York 11530
(516) 745-1122

*Counsel for Defendants Peter Albis, D.C., BMJ
Chiropractic, P.C., Diana Beynin, D.C., Dr.
Bruce Jacobson DC P.C., Jacobson
Chiropractic, P.C., Bruce Jacobson, D.C.,
Jongdug Park, D.C., NJ Neuro & Pain, P.C.,
NJ Pain Treatment, P.C., and Gerlando
Zambuto, D.C.*